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INFO RUEHBS/AMEMBASSY BRUSSELS 0325
RUEHJB/AMEMBASSY BUJUMBURA 0424
RUEHDR/AMEMBASSY DAR ES SALAAM 1236
RUEHKM/AMEMBASSY KAMPALA 2011
RUEHKB/AMEMBASSY KINSHASA 0563
RUEHLO/AMEMBASSY LONDON 0338
RUEHNR/AMEMBASSY NAIROBI 1343
RUEHFR/AMEMBASSY PARIS 0597

C O N F I D E N T I A L KIGALI 000758

SIPDIS

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TAGS: [PREL](#) [PHUM](#) [MOPS](#) [RW](#)
SUBJECT: TWO CONVICTED, TWO ACQUITTED, IN 1994 REVENGE
KILLINGS CASE

REF: A. KIGALI 475
[1](#)B. KIGALI 415

Classified By: CDA Cheryl Sim for Reason 1.4 (b) (d)

[1](#)1. (U) On October 24, a Rwandan military court sentenced two army captains to eight years in jail for the murder of 15 Catholic clergy and lay brothers, including several bishops, in June 1994 near Kabgayi, a Catholic church complex. Two other officers, a general and major, were acquitted by the court. These murders occurred at the height of the genocide, when advancing Rwandan Patriotic Army (RPA) troops overran the seat of the rump genocide government in nearby Gitarama, a government formed by Hutu extremists after the death of President Habyarimana. Defense counsel presented evidence of the close involvement of several of the bishops in the genocide, and of the loss of family members of the four soldiers who committed the murders. The prosecution argued that the senior most officers accused in the case should have known that violence would result; the judge rejected this contention.

[1](#)2. (SBU) The two army captains had earlier pled guilty after extensive investigation to "voluntary murder," a charge which does not include premeditation; the prosecution had recommended 15 year sentences. The military prosecutor in the case told pol/econ chief October 27 that he was satisfied with the sentence, which was a common one for guilty pleas to that specific charge. The four soldiers (two now deceased) who actually committed the murders, after weeks of fighting their way down to Kabgayi, passing site after site of horrific massacres, finally lost control of themselves, he said, when one of them, from the Kabgayi area, realized that "everyone in his family was dead." He called on the others to help kill the three bishops and two or three assistants (whom many at the time considered complicit in the genocide), and the four soldiers sprang into action. When they burst into the room where the bishops were held, unable to distinguish those they sought from those they did not, they fired indiscriminately, killing 15 persons.

[1](#)3. (C) The prosecution sought life sentences for the two senior officers under the "command responsibility" doctrine, wherein superior officers are presumed to know or have reason to know of the illegal actions or propensities of soldiers under their command. In this case, the military judge in oral comments rejected this line of argument, noting that, while they was testimony that angry accusations were hurled at the bishops by surviving Tutsis in the area, there was no specific evidence that the two senior officers were aware of these emotional scenes, and so could not have been aware of the charged atmosphere, or intuited the intentions of their

men. Nevertheless, the military prosecutor stated he thought the judge had erred in this assessment, and was considering an appeal, once he receives the judge's written opinion.

14. (C). Comment. This was not an easy case for this or any other military court to decide. The two senior commanders presumably were aware of the terrible tensions their men had been under for months on end, fighting to end the genocide, and finding their own family members dead along the way. As noted reftels, there are other similar incidents that occurred during and after immediately after the 1994 genocide that have not been addressed by Rwandan military courts that have not been addressed by Rwandan military courts (which did prosecute other cases of revenge killings at the time). The International Criminal Tribunal for Rwanda (ICTR) pressed the GOR to undertake this particular case for quite some time. Rwandan military prosecutors are very closed-mouthed about the prospect for new prosecutions; this may be the only new case to be brought by the Rwandan government against its own soldiers for the events of that time. End comment.

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